TRANSMITTAL LETTER (General - Patent Pending)	JAN 2 7 2006	Docket No. DE-000071

In Re Application Of: **Markus BAUMEISTER et al.**

Application No. 09/841,965	Filing Date 25 April 2001	Examiner Samson B. LEMMA	Customer No. 20987	Group Art Unit 2132	Confirmation No. 6068

Title: **METHOD OF DYNAMIC DETERMINATION OF ACCESS RIGHTS**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

General Transmittal Letter

Reply Brief

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Dated: **27 January 2006**

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P16A/REV03

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Appl. No.	:	09/841,965
Applicant(s)	:	Markus BAUMEISTER et al.
Filed	:	25 April 2001
TC/A.U.	:	2132
Examiner	:	Samson B. LEMMA
Atty. Docket	:	DE-000071

Title: METHOD OF DYNAMIC DETERMINATION OF
ACCESS RIGHTS

REPLY BRIEF

U.S. Patent and Trademark Office
Customer Window, Mail Stop **Appeal Brief - Patents**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Examiner's Answer mailed on 28 November 2005, and in support of the Notice of Appeal filed on 19 July 2005 and the Appeal Brief filed on 17 August 2005, Applicants hereby submit this Reply Brief.

Arguments

Sections (1) through (9) on pages 2-8 of the Examiner's Answer appear to be nothing but a verbatim regurgitation of the Examiner's rejections in the Final Office Action. These arguments have all already been fully addressed in detail in Applicant's Appeal Brief and will not be repeated here. Instead, this Reply Brief will be confined to addressing to the "Response to Arguments" in section (10) on pages 8-12 of the Examiner's Answer.

Atty. Docket No. **DE-000071**

Claim 1

The Examiner states that:

"Peterka on page 30 lines 22-24, discloses the fact that the invention uses a dynamic approach to providing access control."

Respectfully, that is not what Applicants claim in claim 1. A "dynamic approach" could mean almost anything, and in particular as disclosed by Peterka, simply means that access rights can change when access is requested for a new object (e.g., channel). Thus, Peterka teaches that:

"A scheme for resolving access rights **in accordance with the present invention** evaluates **current** conditions (e.g., environment) of the DTV receiver, such as the channel tuned to, **before** granting permission."

Peterka at page 33, lines 5-9 (emphasis added).

In stark contrast, Applicants have disclosed and claimed a method wherein additional data (e.g., total time usage) is monitored while the user has access when a change in access rights occurs (e.g., a maximum time allotment is exceeded; a maximum available credit for accessing an object has been expended; etc.) while the user has access, then access is withdrawn.

Throughout the entire prosecution history of this application, The Examiner has never once cited even a single sentence or drawing in Peterka disclosing this feature of the method of claim 1.

Instead, the Examiner goes on to state that Peterka discloses that:

"Even if the caller has the required permission, a further check is made to determine whether a 'condition' of the receiver 160 is satisfied."

Respectfully, so what? Claim 1 does not recite that additional data is evaluated while a user has **permission**. Instead, claim 1 recites that additional data is evaluated while a user has actual **access**.

The Examiner goes on to state that:

"As explained on page 28, lines 17-31, the user can define the time frame for the children (sic) and access a certain program. This implies that while the children (sic) has already access to the control object/program the system will monior (sic) the time and the current viewer whether or not the current viewer is a child or an adult."

Applicants respectfully submit that it implies no such thing. The text at page 28 is discussing the condition that is checked by the Access Controller **before** granting access to an object (see, e.g., page 33, lines 5-9; FIG. 3 elements 380 and 390; page 30; lines 16-21). Nothing in Peterka "implies" monitoring a change in access rights while a user is accessing an object, and withdrawing the access rights to the object.

The Examiner further states that Peterka discloses how the access controller:

"monitors changes in the access rights as explained above and triggering withdrawal of the access right to the access control object as explained on page 22, lines 22-31 or figure 3, ref. Num '370."

However, the text of Peterka at page 22, lines 22-31 very clearly states that if the "condition is not satisfied, the call fails and the *original request* to invoke the receiver function is denied." It does **not** state that access rights that have already been granted are then subsequently withdrawn.

Finally, the Examiner states that:

"Peterka on page 31, lines 19-28 recites that, '**when the user tunes to**

another channel, sometimes the application stays on, and sometimes
it is terminated, depending on the definition of the policy."

This merely states that when a user tunes to another channel (attempts to
access a new access controlled object) then according to the execution of the
flowchart of FIG. 3, the process may culminate in step 370, depending upon whether
or not the permission and condition for access to that object are present (step 380),
thereby denying access to the object (turning off the television application). Neither
the cited text nor anything else in Peterka states or implies that any filter further
evaluates additional data occurring while the user has already gained access to the
channel.

Accordingly, again, Applicants respectfully submit that the method of claim 1
is patentable over the cited prior art.

Claim 5

At the outset, the Examiner states that Peterka discloses "*all classes form a
tree, where an Object is at the top.*"

The cited passage at page 36, lines 13-15 explains fundamental concepts of
Java programming! What does that possibly have to do with the subject matter of
claim 5?

The Examiner further states that Peterka discloses that its Security Policy
module includes a **list** of permissions (e.g., a character string)

However, claim 5 does not state that the access right manager has a data
structure in the form of a list, such as a character string. Instead, claim 5 states that
the access right manager has a data structure in the form of a tree, specifically a tree
where the access controlled objects are nodes and each node catalogs the permitted
users or user groups for the corresponding access controlled object, include the
permitted methods of use.

Again, the Examiner cites text in Brown that merely discloses that a directory
service maintains a directory of content objects as nodes in a tree-like structure.
However, the cited text makes no mention of each node containing a list of permitted

users or user groups, respectively, of the access controlled object and for each user or user group respectively, including a list of methods of use. Instead, it appears that Brown uses an access control matrix and access rights database (152) which is organized by users, not by objects, and which is organized on a user-by-user (or user-group-by-user-group) basis to list for each user (or user group) the content nodes and access operations available to the user (see, e.g., col. 16, lines 39-45 and FIG. 6).

Therefore, Applicants respectfully submit that no combination of Peterka and Brown would ever produce the network of claim 5.

The Examiner fails to explain how one could possibly modify Peterka to include Brown's access control matrix and access rights database which is a **tree for arranging users**, wherein the tree includes a plurality of nodes which each **contain a list of the content and access operations available to the user**, and in the resulting combination come up with a network that includes an access right manager that has a data structure in the form of a **tree for arranging access controlled objects**, wherein the tree includes a plurality of nodes which each **contain a list of permitted users or user groups respectively**, of the access controlled object and for each user or user group respectively, include a list of methods of use, as in claim 5.

Indeed, the Examiner once again fails to even mention the recited list of methods!

So it is impossible that any possible combination of Peterka and Brown could ever produce the network of claim 5

Accordingly, for at least these reasons, Applicants respectfully submit that claim 5 is patentable over the cited prior art.

Claim 7

The Examiner wholly fails to address Applicant's arguments regarding claim 7 as provided in the Appeal Brief.

Among other things, the network of claim 7 includes: (A) a plurality of terminals connected by a bus; and (B) a software system adapted to reserve use of a

first one of the access control objects by a user via one of the terminals, wherein the software system further comprises a filter adapted to continuously monitor dynamic data affecting access rights to the first control object and, in response to the dynamic data, to generate a message indicating withdrawal of the access rights of the user to the first access control object, the software system being adapted to release the reservation of the first access control object in response to the message from the filter.

Applicants respectfully submit that <u>Peterka</u> does not disclose any network including such features.

The Examiner once again states that he "considers claim 7 to have similar limitation (sic) to claim 1."

Applicants respectfully submit that, contrary to well-established Patent Office guidelines, the Examiner has not specifically addressed all the features of claim 7. Specifically, the Examiner does not cite anything in <u>Peterka</u> that supposedly discloses: (1) terminals connected by a bus; (2) reserving use of an access control object via one of the terminals; (3) generating a message indicating withdrawal of the access rights of the user to the first access control object; or (4) releasing a reservation of the first access control object in response to the message from the filter.

Indeed, the Examiner makes no mention of any bus, reservation, or messages at all!

Respectfully, the burden in rejecting claims over the prior art lies with the Patent Office. Such a burden cannot be met where the Examiner fails to address numerous specifically-recited features of Applicants' claims.

Applicants respectfully submit that <u>Peterka</u> does not disclose any of the features mentioned above.

For example, the Examiner states that he interprets the recited "terminal" to read on <u>Peterka</u>'s television receiver. Yet it is fairly clear that <u>Peterka</u> does not disclose any bus connecting a plurality of television receivers. So it is impossible for <u>Peterka</u> to disclose the network of claim 7 that includes a plurality of terminals

connected by a bus.

Similarly, Applicants respectfully submit that <u>Peterka</u> does not disclose reserving use of an access control object via one of the terminals; generating a message indicating withdrawal of the access rights of the user to the first access control object; or releasing a reservation of the first access control object in response to the message from the filter.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 7 is patentable over the cited prior art.

CONCLUSION

For all of the foregoing reasons, Applicants respectfully submits that claims 1 and 3-7 are all patentable over the cited prior art. Therefore, Applicants respectfully request that claims 1 and 3-7 be allowed and the application be passed to issue.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future filings to charge payment or credit any overpayment to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. § 1.16, 37 C.F.R. § 1.17, or 37 C.F.R. § 41.20, particularly extension of time fees.

Respectfully submitted,

VOLENTINE FRANCOS & WHITT, P.L.L.C.

Date: <u>27 January 2006</u>   By: _____

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